

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

A.K.W., A MINOR, BY AND THROUGH HIS MOTHER, SHERI STEWART	§ § § § § § §	PLAINTIFF Civil Action No. 1:09cv703-HSO-JMR DEFENDANTS
v.		
EASTON-BELL SPORTS, INC., et al.		

**ORDER GRANTING DEFENDANTS' MOTION
TO RENEW PREVIOUSLY FILED MOTIONS**

BEFORE THE COURT is the Motion to Renew Previously Filed Motions [144] of Defendants All American Sports Corporation and Riddell, Inc., filed on December 1, 2011, in the above captioned case. Plaintiff has filed a Response [147], and Defendants a Reply [148]. After consideration of the submissions of the parties and the record in this case, the Court finds that Defendants' Motion should be granted.

I. DISCUSSION

On November 17, 2010, Defendants filed a Motion for Summary Judgment [104], as well as a separate Motion to Exclude the Testimony and Opinions of Ali Engin [106], Plaintiff's expert witness. By Order [130] dated March 23, 2011, this Court granted summary judgment in Defendants' favor and denied all other pending Motions as moot. Order [130] at p. 11. On appeal, the United States Court of Appeals for the Fifth Circuit reversed this Court's grant of summary judgment. *A.K.W. v. Easton-Bell Sports, et al.*, No. 11-60293 (Oct. 18, 2011).

Defendants now seek to "renew their Motion to Exclude Engin and Motion for

Summary Judgment, to the extent it was based on the Motion to Exclude Engin.” Mot. at p. 2. This Court’s March 23, 2011, Order [130] did not reach the merits of Defendants’ Motion to Exclude Engin [106], and while the Fifth Circuit did reference portions of Engin’s testimony in its opinion, it did not directly address the full scope of Defendants’ Motion to Exclude [106]. Defendants should therefore be permitted to file an appropriate motion as to Engin in accordance with the deadlines established at the January 18, 2012, Case Management Conference.

II. CONCLUSION

Based upon the foregoing, Defendants’ Motion should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Motion to Renew Previously Filed Motions [144] of Defendants All American Sports Corporation and Riddell, Inc., is **GRANTED**, and any motions must be filed in accordance with the deadlines established at the January 18, 2012, Case Management Conference.

SO ORDERED AND ADJUDGED, this the 10th day of January, 2012.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE